

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-00270-MR-WCM

MACKENZIE ELAINE BROWN,

Plaintiff,

v.

HENDERSON COUNTY

SHERIFF'S OFFICE;

ROBERT JORDAN WARREN

Sheriff Deputy with Henderson

County Sheriff's Office - Patrol Division;

MICHAEL SCOTT LINDSAY

Sheriff Deputy with Henderson County

Sheriff's Office - Patrol Division;

CRYSTAL D. LANDERS

Sheriff Deputy with Henderson County

Sheriff's Office - Patrol Division;

JOHNNY E. DUNCAN, JR.

Henderson County Director of

Technical Services/Public

Information Officer;

BRADLEY R. REESE

Animal Enforcement Officer with

Henderson County Sheriff's Department;

BRITTANY NICOLE MAYBIN

Detention Facility Officer with

Henderson County Detention Facility

SUSAN N. OATES

Magistrate with North Carolina

Administrative Office of the Courts; and

EMILY GREENE COWAN

District Court Judge with the

North Carolina Consolidated

Judicial Retirement System,

Defendants.

ORDER

This matter is before the Court on a Motion to Dismiss filed by Defendants Henderson County Sheriff's Office, Robert Warren, Michael Lindsay, Crystal Landers, Johnny Duncan, Jr., Bradley Reese, and Brittany Maybin (the "HCSO Motion to Dismiss," Doc. 15) and a Motion to Dismiss filed by Defendants Susan N. Oates and Emily Greene Cowan (the "Judicial Defendants' Motion to Dismiss," Doc. 17).

By Order filed on May 2, 2024, Plaintiff was granted leave to file an Amended Complaint. Doc. 36.

Plaintiff filed that pleading on May 13, 2024. Doc. 37.

"The general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect." Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001); see also Fawzy v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) ("Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint 'of no effect.'"); Colin v. Marconi Commerce Systems Employees' Retirement Plan, 335 F.Supp.2d 590, 614 (M.D.N.C. 2004) ("Earlier motions made by Defendants were filed prior to and have been rendered moot by Plaintiffs' filing of the Second Amended Complaint"); Ledford v. Eastern Band of Cherokee Indians, No. 1:20-CV-005-MR-DCK, 2020 WL 1042235 at 1 (W.D.N.C. March 3, 2020) ("It is well settled

that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot”).

IT IS THEREFORE ORDERED that the HCSO Motion to Dismiss (Doc. 15) and the Judicial Defendants’ Motion to Dismiss (Doc. 17) are **DENIED AS MOOT AS A MATTER OF LAW**. This denial is without prejudice to the filing of any motions challenging the Amended Complaint, if appropriate.

Signed: May 14, 2024

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

